

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 04/24/2006	NUMBER 01.03.140
SUBJECT SMOKING MATERIALS IN DEPARTMENT OCCUPIED BUILDINGS		SUPERSEDES 01.03.140 (11/15/04)	
		AUTHORITY MCL 333.12601-333.12617; 791.203; Executive Order 1992-3; Annual Appropriations Bill	
		ACA STANDARDS 4-4214	
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POLICY STATEMENT:

Smoking in Department buildings is controlled by the Governor's Executive Order No. 1992-3, applicable provisions of the Michigan Clean Indoor Air Act and this policy directive. This policy directive also controls the use of smoking materials by staff and prisoners.

POLICY:

GENERAL INFORMATION

- A. For purposes of this policy, smoking materials means cigarette papers, matches, and all tobacco products, including but not limited to chewing tobacco and snuff.
- B. Smoking is prohibited inside all Department occupied buildings, including prisoner housing units. Smoking also is prohibited within 100 feet of an entrance to a Department occupied building if that entrance is accessible to the general public. Smoking is prohibited within 20 feet of all other entrances to a Department occupied building. Smoking also is prohibited within the fenced perimeter of C-Unit of the Charles E. Egeler Reception and Guidance Center (RGC); the RGC Warden shall ensure smoking areas are designated for staff on facility grounds outside the fenced perimeter.
- C. The use of any tobacco product, including chewing tobacco and snuff, is prohibited within the areas in which smoking is prohibited. The possession of smoking materials is prohibited within the fenced perimeter of C-Unit in RGC, including within the facility itself.
- D. The senior ranking official at each work location shall ensure that appropriate containers are provided for discarded smoking materials so that the grounds and entrance areas remain clean and orderly.
- E. The senior ranking official at each work location shall ensure that a sign is posted at all entrances to Department operated buildings and other buildings, as appropriate, which reads as follows:

"Smoking is Prohibited in this Building, Executive Order 1992-3."
- F. Smoking is prohibited in all motor vehicles leased or owned by the State of Michigan.
- G. Tobacco products which are on the Standardized Store List may be sold in prisoner stores to prisoners 18 years of age or older, subject to restrictions set forth in this policy and PD 04.02.130 "Prisoner Store". The sale of tobacco products is otherwise prohibited in state-owned buildings.
- H. The Correctional Facilities Administration (CFA) Deputy Director shall ensure that a smoking cessation program is offered to prisoners who wish to quit smoking. This may include the use of volunteers approved pursuant to PD 03.02.105 "Volunteer Services and Programs". Prisoners may purchase nicotine patches or other smoking cessation aides as set forth in PD 04.07.112 "Prisoner Personal Property".

POSSESSION OF SMOKING MATERIALS BY OFFENDERS

- I. Offenders in a corrections center may possess smoking materials.

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- J. Offenders in the Special Alternative Incarceration Program (SAI) and technical parole violation centers are prohibited from possessing smoking materials pursuant to PD 05.01.142 "Special Alternative Incarceration Program", and PD 06.03.104 "Technical Rule Violation Program", as applicable.
- K. Prisoners in temporary, punitive, and administrative segregation are prohibited from possessing smoking materials consistent with PD 04.05.120 "Segregation Standards". All other prisoners may possess smoking material purchased from the prisoner store, subject to PD 04.07.112 "Prisoner Personal Property", except if admitted to C-Unit in RGC, Duane L. Waters Healthcenter, or an infirmary operated within a correctional facility to receive medical care, or in tobacco-free housing as set forth below.

Tobacco-Free Housing for Prisoners

- L. Paragraphs M through R shall control when in direct conflict with requirements of any other policy directive. Paragraphs M through R do not apply to prisoners admitted to C-Unit in RGC for medical care.
- M. C-Unit of RGC shall be tobacco - free. Wardens shall designate additional tobacco-free housing for general population prisoners within each of their respective institutions, including reception facilities. Institutions containing more than one security level shall have tobacco-free housing available in each security level; each camp shall have tobacco free housing available. Additional tobacco-free housing shall be designated if demand for such housing cannot be met within a reasonable time.
- N. Prisoners in tobacco-free housing are prohibited from purchasing any smoking materials. They also are prohibited from possessing smoking materials while in the tobacco-free housing area, including the common area of a housing unit with tobacco-free housing. However, a prisoner whose designated religion is Native American may purchase and possess tobacco for the prisoner's medicine bag and may possess matches during group religious services and group religious activities as needed for smudging.
- O. When an entire housing unit or wing is designated as tobacco-free housing, Wardens shall ensure that staff who do not smoke are assigned to positions within that area when administratively feasible. Except in C-Unit in RGC, staff who are assigned to these positions who have smoking materials in their possession must keep the smoking materials fully concealed from view while in the housing unit or wing; staff are prohibited from possessing smoking materials in C-Unit.
- P. All general population prisoners with a medical detail or special accommodation for placement in tobacco-free housing shall be placed in tobacco-free housing unless the prisoner declines such housing in writing. Other general population prisoners shall be placed in tobacco-free housing only upon request of the prisoner; if the prisoner transfers to a different institution or to a camp, the request must be renewed at the receiving facility if s/he wants placement in tobacco-free housing. Prisoners who request placement in tobacco-free housing shall be placed in such housing within a reasonable time after the request is received by staff; however, priority in placement shall be given to prisoners with a medical detail or special accommodation requiring tobacco-free housing.
- Q. Prior to placement in tobacco-free housing, the prisoner must agree in writing to the placement, including the restrictions on the purchase and possession of smoking materials as set forth in Paragraph N, and agree to dispose of all non-authorized smoking materials in his/her possession. The Tobacco-Free Housing form (CAH-100) shall be used for this purpose. The form also shall be used to document that a prisoner with a medical detail or special accommodation has declined tobacco-free housing.
- R. A prisoner in tobacco-free housing who is found at a hearing conducted pursuant to Administrative Rule 791.3310 to have used or possessed smoking materials in violation of this policy, or is found guilty of a misconduct related to his/her use or possession of smoking materials in violation of this policy, shall be removed from tobacco-free housing. A prisoner also shall be removed from tobacco-free housing

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upon his/her written request. A prisoner who is removed from tobacco-free housing for any of the above reasons may reapply for such housing no sooner than 90 calendar days after the first removal and no sooner than one year after the second removal unless the Warden allows the prisoner to reapply within a shorter time period.

ENFORCEMENT OF POLICY

- S. Complaints regarding a violation of this policy shall be brought to the attention of the appropriate supervisor, Human Resource office, health safety coordinator/committee, or Warden's office. Supervisors receiving a complaint shall investigate and take action to resolve the issue as soon as possible. All complaints shall be resolved at the lowest level possible. The right of the nonsmoker to protect his/her health will prevail over an employee's or prisoner's desire to smoke.
- T. Employees found in violation of this policy shall be subject to disciplinary action(s) in accordance with PD 02.03.100 "Employee Discipline".
- U. Guests or visitors who violate this policy shall be informed of policy requirements and asked to comply. If they do not comply, they shall be asked to leave the premises.
- V. A prisoner who violates this policy shall be subject to discipline in accordance with PD 03.03.105 "Prisoner Discipline".
- W. Administrators shall ensure that the contents of this policy are communicated to all employees under his/her supervision. This policy constitutes a work rule for all Department employees.

OPERATING PROCEDURES

- X. Wardens, Regional Prison Administrators, the FOA Deputy Director and, for Central Office, the Deputy Director for Administration and Program (A&P) shall ensure that procedures are developed as necessary for their respective areas to implement requirements set forth in this policy directive; procedures shall be completed within 60 calendar days after the effective date of this policy directive. This includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with procedures issued by the Director or Deputy Director.

AUDIT ELEMENTS

- Y. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist Executive Policy Team members and Wardens with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

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